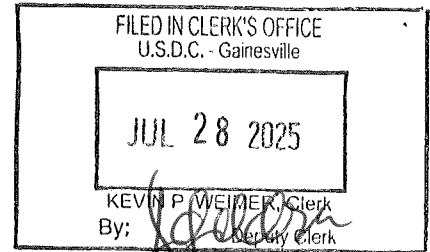


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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA.
ATLANTA DIVISION.

FREDERICK O. SILVER
Plaintiff,

vs.

NATIONAL CREDIT SYSTEMS, INC.
Defendant.

CASE NO: 1:24-CV-03238-SCJ-AWH

District Judge: Steve C Jones

Magistrate Judge: Anna W. Howard

**PLAINTIFF'S MOTION FOR JUDICIAL DETERMINATION REGARDING MERIT OF
PLAINTIFF'S FILINGS AND TO PREVENT FURTHER BASELESS ACCUSATIONS BY
DEFENDANT'S COUNSEL.**

NOW COMES Plaintiff Frederick O. Silver, proceeding pro se, and respectfully moves this Court for an Order determining whether any of Plaintiff's filings to date have been frivolous or without merit, as alleged by Defendant's counsel Katrina M. DeMarte.

In support thereof, Plaintiff states as follows:

1. On July 17, 2025, Defendant's counsel sent correspondence alleging that Plaintiff's filings and motions are "frivolous," and warned of intent to seek sanctions under "applicable rules."
2. Plaintiff maintains that each motion, filing, and communication in this case has been made in good faith and based on genuine legal and factual grounds, including those concerning violations of the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.), Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.), and related claims.

3. Defendant's counsel has not specified which motions or pleadings are allegedly frivolous, nor have they filed a motion under Rule 11 or otherwise provided any proper legal vehicle for their accusations.
4. This Court, not opposing counsel, is the proper authority to determine whether filings are frivolous. See *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421 (1978) ("[I]t is important that a district court resist the understandable temptation to engage in post hoc reasoning by concluding that, because a plaintiff did not ultimately prevail, his action must have been unreasonable or without foundation.").
5. Plaintiff respectfully requests the Court issue a determination whether any motion or filing to date has been "frivolous" or lacking in merit. This would clarify the record and prevent continued improper and prejudicial labeling by defense counsel.
6. Plaintiff does not seek sanctions but rather an opportunity to defend the integrity of his filings and clarify that accusations of misconduct or frivolity require a legal basis and judicial review, not assertion by an opposing party.
7. Further, Plaintiff invokes the Court's authority under Rule 1 of the Federal Rules of Civil Procedure to secure the just, speedy, and inexpensive determination of this matter. Baseless accusations hinder those objectives.

WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Determine whether any of Plaintiff's motions or filings to date are frivolous or without merit;
- b. Admonish Defendant's counsel to refrain from mischaracterizing Plaintiff's filings without legal support; and
- c. Grant any further relief this Court deems just and proper.

Dated: this 21st Day of July 2025.



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